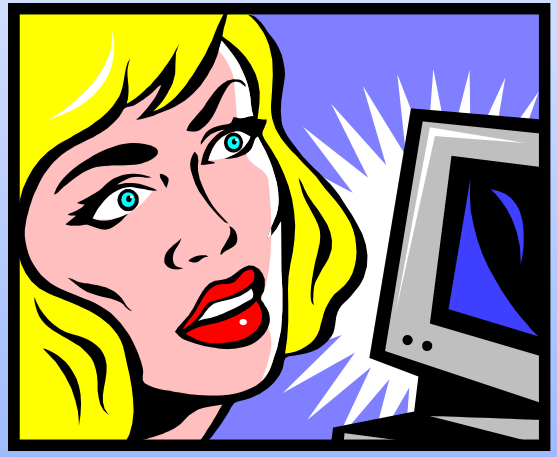
Use of Government Resources



USE OF GOVERNMENT RESOURCES

- Using the Government's Stuff
- Using the Government's Time
- Official Use vs. Authorized Use
- Recurring Issues

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Ethical Principles

- Public service is a public trust - #1
- Duty to protect and conserve Government property - #9
- Use and allow use of property for authorized purposes only - #9

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Authority to Regulate Use of Government Resources

- General Services Administration (GSA) & Office of Personnel Management (OPM)
  - Promulgate regulations for executive branch
- Office of Government Ethics
  - No authority to regulate use of resources

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The Harmony of Fiscal Law and Ethics

- "Purpose" – can only use funds for purpose Congress intended
- That goes for the "stuff" we buy with those funds!

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OGE & GAO & OGC

- OGE issues advisory opinions on ethics matters
  - Interpreting laws and regulations
- Historically - GAO issued advance decisions to disbursing & certifying officers & heads of agencies
  - Use of appropriated funds

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OGE & GAO & OGC

- Recent DoJ opinion (JAN 04)
  - Executive agencies should seek advance decisions from agency's general counsel
  - Accountable officers receive no protection from Comp Gen advance decisions
  - Agency general counsels may consult any persuasive source
    - Including Comp Gen decisions

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Duties of Federal Employees

- Protect and conserve Government property
- Use and allow use of property
  - for public purposes or
  - those purposes authorized by law or regulation

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Government Property

- Real or personal property
- Government has an ownership, leasehold, or other property interest
- Any right or other tangible interest (including services of Kr personnel)
- Purchased with Government funds (see it always comes back to fiscal law!)=

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Official Time

- Official time is to be used to perform duties of job
- Requirement – “honest effort”
- Authorized uses of official time – other than official purposes
  - Breaks

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Public Office – Private Gain

- Prohibitions on use of office
  - For private gain
  - Endorsement of product, service, or enterprise
  - For the private gain of
    - friends or relatives
    - Persons with whom employee is affiliated in a nongovernmental capacity
    - Persons with whom employee is seeks employment

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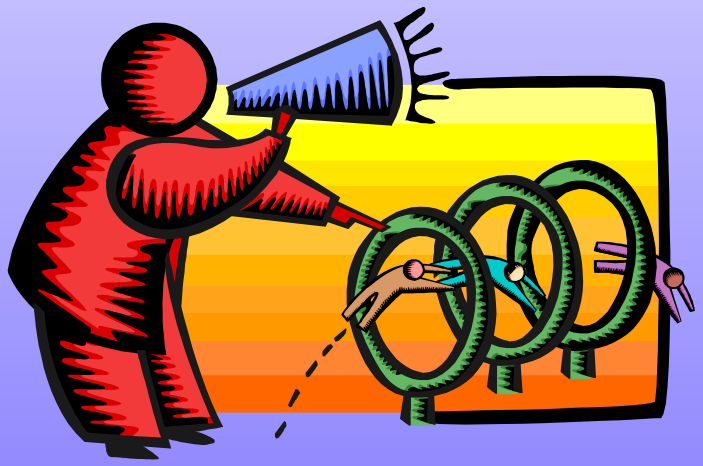
Specific Prohibitions

- Coerce or Induce person to provide benefit
- Imply official endorsement of personal activities
  - Exception – teaching, writing, speaking
- Endorse product, service, or enterprise unless statutorily authorized



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Use of Information

- No insider trading scenarios allowed!
- If gain nonpublic information thru federal employment – impermissible to use for financial transactions or to further private interests

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Use of Subordinates

- Impermissible to encourage, direct, coerce, or request subordinate to use official time for anything other than official duties or authorized uses
  - Exception – military aides
- Practically speaking – get your own dry-cleaning!

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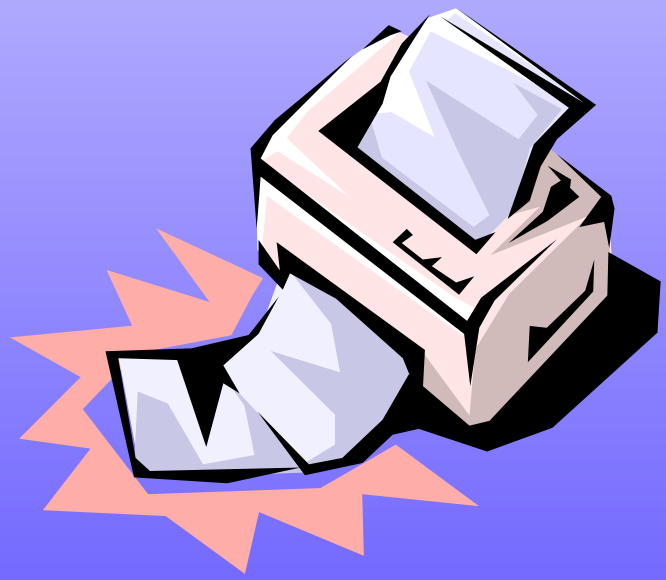
Communication Systems

- Government communication systems & equipment are to be used for official use and authorized purposes only
  - Telephones
  - Fax machines
  - E-mail (yikes!)
  - Internet (yikes again!)



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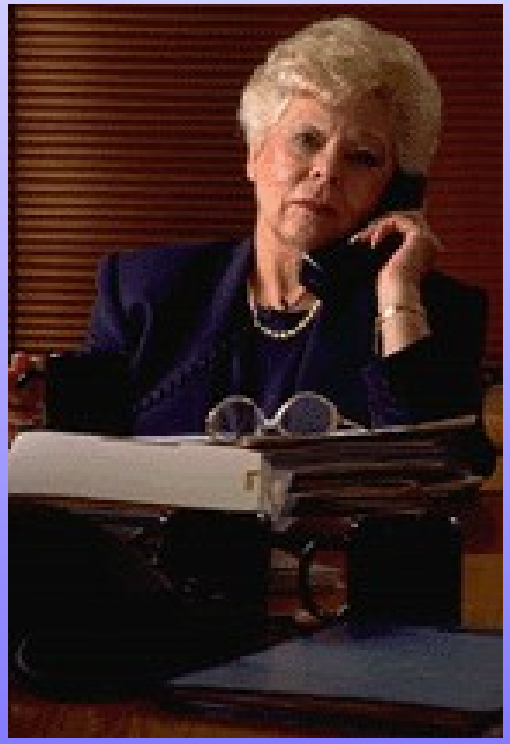
“Official Use”

- Communications deemed necessary in interest of government
- Emergency communications
- Morale and Welfare communications
  - Extended deployments



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“Authorized Purposes”

- Brief calls home while TDY
  - Transportation and schedule changes
- Personal communications from office
  - Don’t adversely affect official duties
  - Reasonable duration & frequency
  - Legitimate public interest
  - Don’t reflect adversely on DoD
  - DON’T OVERBURDEN COMMUNICATION SYSTEM
  - Create no significant additional cost to DoD

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Telephones in Residences

- Government may install telephones in personal residences
  - National defense purposes
  - Volunteer residences
    - Medical, dental, nursing, or other health-care related services
    - Volunteer services for museum or natural resources program
    - Programs that support service members and families

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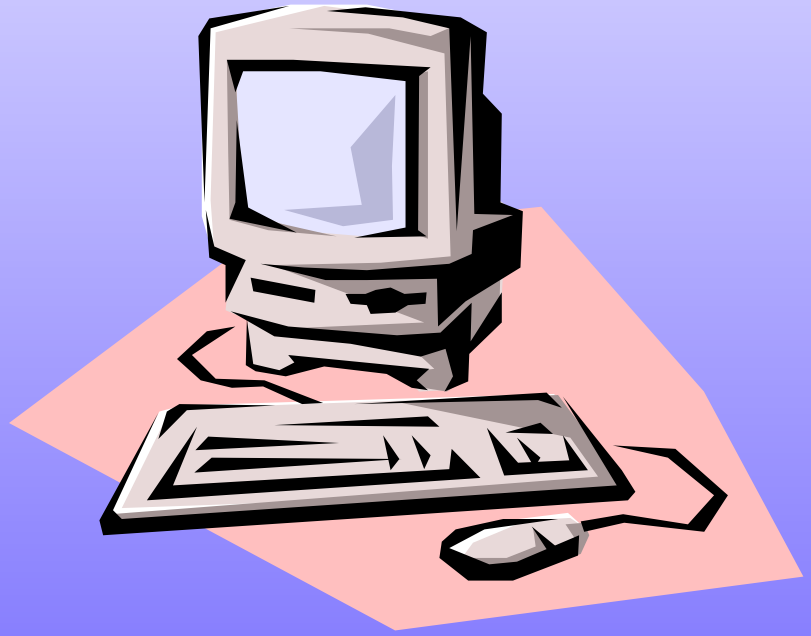
Cell Phones

- Uses may differ from those permitted with land-line phones
- Look to agency's policy
  - Army – official use and authorized purposes only
- Policy of issuing agency controls

Email & Internet



- General rule – use for official purposes
- Don’t interfere with official duties or undermine readiness
- Don’t overburden the Government’s system
- Agencies policies – websites in outline

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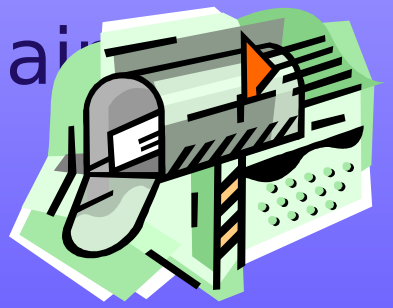
Use of Postage for Congratulatory Notes

- Notes written to congratulate members within chain of command or technical chain
  - Official purpose
  - Examples – promotions and school selections
- Notes to friends, former subordinates or colleagues, those not within chai
  - Personal in nature



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Use of Other Resources

- Personal use of government resources permitted
- Agency designee determines that use:
  - Doesn’t affect adversely official duties
  - Is of reasonable duration & frequency
  - Occurs only during employee’s personal time
  - Serves a legitimate public purpose
  - Doesn’t reflect adversely on DoD
  - Creates no significant additional cost to DoD

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Enforcement

- Military members
  - Violation of rules contained in JER
    - Punishment under UCMJ
- Civilian Employees
  - MSPB – misuse of resources taken very seriously
  - No requirement that agency prove intent

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Questions?

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